

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN CIVIL LIBERTIES UNION, *et al.*,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION,
UNITED STATES DEPARTMENT OF JUSTICE,

Defendants.

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) Civ. A. No. 1:05-CV-1004 (ESH)
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Exhibit C to Coppolino Declaration

aclu position paper

AMERICAN CIVIL LIBERTIES UNION | UPDATED | FALL 1999

The American Civil Liberties Union

points

Three Things to Know About the ACLU:

- **We're for traditional American values.** In many ways, the ACLU is the nation's most conservative organization. Our job is to conserve America's *original civic values* — the Constitution and the Bill of Rights — and defend the rights of every man, woman and child in this country.
- **We're not anti-anything.** The only things we fight are attempts to take away or limit your civil liberties, like your right to practice any religion you want (or none at all); or to decide in private whether or not to have a child; or to speak out — for or against — anything at all; or to be treated with equality and fairness, no matter who you are.
- **We're there for you.** Rich or poor, straight or gay, black or white or brown, urban or rural, pious or atheist, American-born or foreign-born, able-bodied or living with a disability. Every person in this country should have the same basic rights. And since our founding in 1920, we've been working hard to make sure no one takes them away.

Freedom is Why We're Here

THE AMERICAN Civil Liberties Union (ACLU) is our nation's guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties guaranteed to all people in this country by the Constitution and laws of the United States.

Since our founding in 1920, the nonprofit, nonpartisan ACLU has grown from a roomful of civil liberties activists to an organization of nearly 300,000 members and supporters, with offices in almost every state.

The ACLU's mission is to fight civil liberties violations wherever and whenever they occur. Most of our clients are ordinary people who have experienced an injustice and have decided to fight back. An employee is discriminated against because of her race, gender or physical disability. A high school student is unable to read a book about controversial subject matter because it has been removed from the school library. A gay person is denied the right to adopt a child sole-

ly because of his sexual orientation. A woman's right to choose to have an abortion is undermined by restrictive state laws. A black motorist is stopped by the police based on a racially biased "profile." These people turn to the ACLU for help in vindicating their rights and the rights of us all.

The American system of government is founded on two counterbalancing principles: first, that the majority of the people governs, through democratically elected representatives; and second, that the power even of a democratic majority must be limited, to ensure individual rights. Majority power is limited by the Constitution's Bill of Rights, which consists of the original ten amend-



ACLU: Freedom is Why We're Here

ments ratified in 1791, plus the three post-Civil War amendments (the Thirteenth, Fourteenth and Fifteenth) and the Nineteenth Amendment (women's suffrage), adopted in 1920. The mission of the ACLU is to preserve all of these protections and guarantees.

what the bill of rights guarantees

Your First Amendment rights – freedom of speech, association and assembly. Freedom of the press, and freedom of religion supported by the strict separation of church and state.

tal patients; prisoners; people with disabilities; and the poor. If the rights of society's most vulnerable members are denied, everybody's rights are imperiled.

a brief history

In 1920, when the ACLU was founded by Roger Baldwin, Crystal Eastman, Albert DeSilver and others, civil liberties were in a sorry state. Activists were languishing in jail for distributing anti-war literature. Foreign-born people suspected of political radicalism were subject to summary deportation. Racial segrega-

the ACLU got down to the business of making the Bill of Rights more than just a "parchment barrier" against government oppression and the tyranny of the majority.

Some highlights:

1920: The Palmer Raids

In its first year, the ACLU fought the campaign of harassment and deportation ordered by U.S. Attorney General A. Mitchell Palmer against politically radical immigrants, supported the right of Industrial Workers of the World members and other trade unionists to hold meetings and organize, and secured the release of hundreds of activists imprisoned for their anti-war views and activities.

1925: The Scopes Case

When biology teacher John T. Scopes was charged with violating a Tennessee ban on the teaching of evolution, the ACLU secured the services of celebrated attorney Clarence Darrow for the defense. Scopes was convicted and fined, but on appeal the Tennessee Supreme Court upheld the statute while reversing Scopes' conviction.

1933: The Ulysses Case

After a long anti-censorship battle supported by the ACLU, a New York federal court lifted a U.S.

*I feel good knowing
that out of
all the grief we went through,
other people
around the country
can benefit.* – Lucie McKinney,
Victorious ACLU Client

Your right to equal protection under the law – equal treatment regardless of race, sex, religion or national origin.

Your right to due process – fair treatment by the government whenever the loss of your liberty or property is at stake.

Your right to privacy – freedom from unwarranted government intrusion into your personal and private affairs.

The ACLU also works to extend rights to those segments of our population that traditionally have been denied their rights, including Native Americans and other people of color; lesbians, gay men, bisexuals and transgendered people; women; men-

tion was the law of the land and state-sanctioned violence against African Americans was routine. Sex discrimination was firmly institutionalized; indeed, women won the right to vote only in August of that year. Constitutional rights for lesbians and gay men, the poor and many other groups were virtually unthinkable. Moreover, the U.S. Supreme Court had yet to uphold a single free speech claim under the First Amendment.

As the first public interest law firm of its kind,



Crystal Eastman and Roger Baldwin, ACLU Founders.

Baldwin: Seeley G. Mudd Manuscript Library, Princeton University
Eastman: Annis Young Collection, courtesy of Blanche W. Cooke



Japanese American children waiting to be evacuated from their California homes to internment camps.

Still Pictures Branch, National Archives and Records Administration

Customs Service ban on the sale of James Joyce's novel, *Ulysses*, in the United States.

1939: "Boss" Hague

The ACLU argued successfully before the U.S. Supreme Court that a ban on union organizers' political meetings, imposed by the rabidly anti-labor mayor of Jersey City, Frank "I am the Law" Hague, was unconstitutional. The Court ruled that the ban violated the First Amendment right to freedom of assembly.

1942: Japanese Americans

The ACLU stood almost alone in denouncing the federal government's round-up and internment in concentration camps of more than 110,000 Japanese Americans. In 1993, Congress officially apologized for the action.

1950: Loyalty Oaths

For a decade, the ACLU fought running court battles against loyalty oaths, which a government gripped by Cold War fever demanded from federal workers. Many state legisla-

tures also passed laws requiring that public schoolteachers, especially, swear their non-membership in the Communist Party or in any "subversive organization."

1954: School Desegregation

The ACLU joined a legal battle that began years before and would continue far beyond its most celebrated victory: the May 17 Supreme Court decision in *Brown v. Board of Education*, declaring racially segregated schools to be in violation of the Fourteenth Amendment.

1960: The Civil Rights Movement

From the first lunch counter sit-in through the Freedom Rides and mass marches, the ACLU supported the civil rights movement's goal of racial justice and equal opportunity, and defended on First Amendment grounds its choice of peaceful demonstrations as the principal means for achieving that goal.

1973: Abortion Decriminalized

In *Roe v. Wade* and *Doe v. Bolton*, the Supreme Court held that the constitutional right to privacy encompasses a woman's right to decide whether she will terminate or continue a pregnancy. The ruling struck down all criminal abortion laws in the states. The ACLU remains in the forefront of the struggle to protect women's right to reproductive choice, and to achieve women's equality on all fronts.

1981: Creationism in Arkansas

The ACLU, 56 years after the Scopes trial, challenged an Arkansas statute requiring that the biblical story of creation be taught as a "scientific alternative" to the theory of evolution. A federal court found the statute, which fundamentalists saw as a model for other states, unconstitutional. "Creation science," said the court, was not science, but was actually religion and, therefore, could not be required by state law.

1989: Flag Burning

The U.S. Supreme Court invalidated a

Texas statute punishing flag desecration, which the Justices described as a form of political speech protected by the First Amendment. The House of Representatives then passed an amendment to the Constitution requiring punishment to "protect" the flag. The ACLU fought back, warning Congress that such an amendment would incinerate the very principles for which the flag stands. We prevailed in the Senate.

1996: *Romer v. Evans*

For the first time, the Supreme Court recognized the civil rights of lesbians and gay men by invalidating a state constitutional amendment, passed by public referendum in Colorado, that prohibited the state and its municipalities from enacting gay rights laws.

1997: *ACLU v. Reno*

The Court struck down the 1996 Communications Decency Act, which censored the Internet by banning "indecent" speech. Although this was a major First Amendment victory for the information age, the battle continues; the ACLU often finds itself defending online free speech from further assault.

Today: Staying the Course

The ACLU confronts both traditional and new threats to civil liberties on many fronts. The Internet offers opportunities for freedom of expression but, at the same time, present dangers to privacy rights. Meanwhile, our society continues to wrestle with the age-old problems of racism, sexism, homophobia, religious intolerance, and censorship of unpopular speech. The ACLU's mission remains realizing the promise of the Bill of Rights for all and expanding the reach of its guarantees to new areas.



ACLU: Freedom is Why We're Here

why we do what we do

The ACLU is frequently asked to explain its defense of certain people or groups – particularly controversial and unpopular entities such as the American Nazis, the Ku Klux Klan, and the Nation of Islam. We do not defend them because we agree with them; rather, we defend their right to free expression and free assembly. Historically, the people whose opinions are the most controversial or extreme are the people whose rights are most often threatened. Once the government has the power to violate one person's rights, it can use that power against everyone. We work to stop the erosion of civil liberties before it's too late.

Since we can't take on every worthy case, we usually select lawsuits that will have the greatest impact, cases that have the potential for breaking new ground and establishing new precedents that will strengthen American freedoms.

and how we do it

The ACLU, the nation's largest public interest law firm, is a 50-state network of staffed, autonomous affiliate offices. A national board of directors sets policy, while a national office in New York coordinates work – aided by a legislative office in Washington that lobbies Congress and a legal department in New York that supervises Supreme Court litigation. A number of national projects address specific civil liberties issues: AIDS, capital punishment, lesbian and gay rights, immigrants' rights, prisoners' rights, reproductive freedom, voting rights, women's rights and workplace rights. More than 60 ACLU staff attorneys on the national and affiliate levels collaborate with at least 2,000 volunteer attorneys in handling close to 6,000 cases annually. We appear

before the U.S. Supreme Court more than any other organization except the U.S. Department of Justice.

The ACLU is supported by annual dues and contributions from its members, plus grants from private foundations and individuals. We do not

So long as we
have enough
people in this country
willing to fight
for their rights,
we'll be called
a democracy. – ACLU Founder
• Roger Baldwin

receive any government funding. If you believe your civil liberties have been violated, or if you wish to join the ACLU, contact your local ACLU affiliate from the listing in the telephone directory, or write to the national headquarters, Attention: Membership Department. You may also contact and join the ACLU on the Internet (www.aclu.org). Position papers, each on a different civil liberties issue, and other publications and information are available from the Public Education Department of the ACLU's national office in New York.



ACLU

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